



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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PHIL BREDESEN
GOVERNOR

VIRGINIA T. LODGE
COMMISSIONER

June 24, 2008

Dear Child and Adult Care Provider:

As you probably know, the General Assembly passed several new pieces of legislation related to child and adult care. While you will be receiving information in updates to the licensing provisions, I wanted to briefly describe the changes that become effective July 1, 2008, October 1, 2008 and July 1, 2009.

Background Checks - Effective July 1, 2008

On May 15, 2008, Governor Bredeesen signed into law a bill that requires criminal background checks to be completed on all persons applying to work at a child or adult care agency prior to the start date of their employment. Present law requires a background check to be completed within ten (10) days of the first day of beginning employment. **The new law, which goes into effect July 1, 2008, will require a satisfactory background check, including juvenile records, before a person can start working.**

We understand this change may have an impact on some child and adult care agencies that have an immediate need to hire new staff, and may be especially problematic for those agencies with frequent staff turnover. Every effort will be made to expedite the results of background checks for individuals who have no criminal history. Our typical response time is three (3) business days after a criminal history application and fingerprint sample have been submitted. In cases where the background check results indicate a criminal history with an excludable offense, additional processing time will be necessary to verify the validity of the charge and this will delay employment of the individual until verification is completed.

Acceptable results, showing no excludable offenses, may now be faxed or e-mailed to your agency. This will eliminate the delay of postal service delivery. If your agency prefers to receive clear background check results in this manner, you may complete the enclosed Transmittal Authorization Form and submit it to your Licensing Program Evaluator.

Drug Testing - Effective July 1, 2009

The drug testing bill, passed by the legislature this spring, requires all licensed child and adult care agencies, including child care homes and persons providing contract services, to establish a drug testing policy for persons who have direct contact with children and vulnerable adults. The drug testing would occur when there is reasonable suspicion that a person is engaged in the use of illegal drugs. The drug testing policy must include a

plan for enforcement actions to be taken by the child care agency when a positive drug test is received and shall also include ways to maintain confidentiality of the results. This law will go into effect July 1, 2009.

Present law, requiring all child and adult care agency drivers to submit drug tests prior to the start date of employment remains the same. Drivers will continue to submit drug test results before beginning employment; but the new law will allow additional drug tests if there is reasonable suspicion that a driver may be using illegal drugs at any time.

Personal Safety Curriculum – Effective October 1, 2008

Effective October 1, 2008, the Department will be required to develop a standard notification form to be provided to the parent or guardian by your child care agency. The notification form shall contain the following information:

- (1) The method of instruction and sample terminology used in the personal safety/child sexual abuse curriculum;
- (2) The availability of the instructional materials for review by the parent or legal guardians; and
- (3) A place for the parents or legal guardians to sign acknowledging they have been provided an opportunity to review the personal safety curriculum, have been notified of the child sexual abuse/personal safety curriculum for their child and the individual record for each child shall include a copy of the signed notification form.

We will be working together to make sure parents and legal guardians have the opportunity to review the curriculum and be aware of the personal safety information being introduced to their children.

Immunizing Children Against Influenza – Effective July 1, 2008

The intent of this law is to communicate to parents the benefits of annual immunizations against influenza for children aged six months to five years. The Department will be working with you to help distribute information to parents in August and September.

We appreciate the very important work you do to care for Tennessee's most vulnerable citizens and want you to know that we are committed to providing you with assistance for the successful implementation of these changes.

Sincerely,



Virginia T. Lodge
Commissioner

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Enclosure

cc: Child and Adult Care Licensing Staff